

IDA BUONANNO,  
Plaintiff,  
  
v.  
  
NANCY BERRYHILL,  
ACTING COMMISSIONER OF  
SOCIAL SECURITY,<sup>1</sup>  
Defendant.

The Commissioner's Motion to Amend the Judgment (ECF No. 19) is DENIED. The Commissioner has failed to show that there is an intervening change in controlling law, new evidence, or the need to correct a clear error or prevent manifest injustice.

<sup>1</sup> Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the Court substituted Nancy A. Berryhill for the Commissioner of Social Security as the defendant in this action.

unable to afford treatment and may not have access to free or low-cost medical services," such may contradict a negative credibility finding based on the infrequency of treatment. SSR 96-7. There is nothing in the record to base a ruling that Ms. Buonanno had free or low-cost care available to her. Absent some affirmative evidence that this care was available and Ms. Buonanno did not avail herself of it, it is improper for the Commissioner or the ALJ to assert it as part of the ruling. Such a holding would swallow this rule.

The Commissioner's Motion to Amend the Judgment (ECF No. 19) is DENIED.

IT IS SO ORDERED.

A handwritten signature in dark ink, appearing to read "John J. McConnell, Jr.", written over a horizontal line.

John J. McConnell, Jr.  
United States District Judge

June 19, 2017